

SENATE BILL 563

By Jackson

AN ACT to amend Tennessee Code Annotated, Title 40,
Chapter 11, relative to the release of defendants.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 40-11-115, is amended by adding the following as a new, appropriately designated subsection:

() A person shall not be released on their own recognizance without the approval of a general sessions judge, criminal court judge, or circuit court judge having jurisdiction over the current charges, if the person:

(1) Is currently charged with an offense that includes the use of violence or the threatened use of violence as a statutory element of its commission;

(2) Is currently charged with an offense against an elderly or vulnerable adult under title 39, chapter 15, part 5; or

(3) Was alleged to be in possession of a firearm, as defined in § 39-11-106(a), at either the time the crime was committed or at the time of the arrest.

SECTION 2. Tennessee Code Annotated, Section 40-11-116, is amended by adding the following language as a new, appropriately designated subsection:

() A person shall not be released pursuant to subdivision (b)(1) without the approval of a general sessions judge, criminal court judge, or circuit court judge having jurisdiction over the current charges, if the person:

(1) Is currently charged with an offense that includes the use of violence or the threatened use of violence as a statutory element of its commission;

(2) Is currently charged with an offense against an elderly or vulnerable adult under title 39, chapter 15, part 5; or

(3) Was alleged to be in possession of a firearm, as defined in § 39-11-106(a), at either the time the crime was committed or at the time of the arrest.

SECTION 3. Tennessee Code Annotated, Section 40-11-148(a), is amended by deleting the existing language and substituting instead the following:

(a) When a defendant has been released pursuant to § 40-11-115 or § 40-11-116, or admitted to and released on bail for a criminal offense, whether prior to or during trial or pending appeal, and the defendant is charged with the commission of one (1) or more bailable offenses while released, the defendant shall only be released pursuant to § 40-11-118 or § 40-11-122, and the magistrate or judge shall set the defendant's bail on each new offense in an amount not less than twice that which is customarily set for the offense charged.

SECTION 4. This act takes effect upon becoming a law, the public welfare requiring it.